

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON L. RYLEE and JANET R.
RYLEE and SMILEY J. HARRIS

Plaintiffs,
vs.

No. CIV S 05-0068 DFL CMK

JOHN ASHCROFT, et al.,

Defendants.

ORDER

_____/

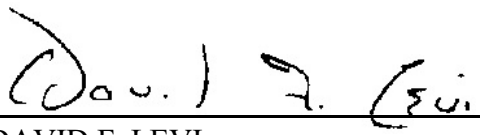
Plaintiffs Vernon L. Rylee, Janet R. Rylee and Smiley J. Harris are proceeding pro se in this civil rights action. This matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302(b)(21).

On December 7, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiffs and which contained notice to plaintiffs that any objections to the findings and recommendations were to be filed within ten days. Plaintiffs have not filed objections to the findings and recommendations.

The court's review of the case file reveals that all three plaintiffs have consented to jurisdiction of the magistrate judge under 28 U.S.C. § 636(c)(1). Given that consent and the absence of any objection from the plaintiffs, the court is inclined to view the magistrate judge's findings and recommendations as a final order upon which judgment should enter.

1 In the alternative, the court adopts the findings and recommendations with the
2 exception of the RFRA discussion. As to the RFRA claim, the court would dismiss the claim on
3 the ground that the allegations regarding plaintiffs' religious beliefs concerning marijuana are
4 legally frivolous and insufficient. See Jones v. Bradley, 590 F.2d 294, 296 (9th Cir. 1979).
5 Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure to state a claim
6 upon which relief can be granted.

7 Dated: August 29, 2006

8
9 
10 _____
11 DAVID F. LEVI
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26